

SO ORDERED: March 22, 2007.




Frank J. Otte
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|---------------------------|---|-----------------------|
| IN RE: |) | |
| CHARLES WOLF |) | CASE NO.06-2550-FJO-7 |
| |) | |
| Debtor |) | |
| |) | |
| THOMAS R. EDEN, Successor |) | |
| Trustee of the Howard D. |) | |
| Nichols Trust |) | |
| Plaintiff |) | |
| |) | |
| vs. |) | Adversary Proceeding |
| CHARLES WOLF |) | No. 06-50274 |
| Defendant |) | |
| |) | |

JUDGMENT

This matter came before the Court upon the filing of the Plaintiff's Complaint. The Court held a trial on this matter on March 20, 2007.

During the trial, the Defendant made a motion in open court for a directed verdict; which this Court denied.

The Court, after having the opportunity to review this matter, and having observed the witnesses, and after having made its findings of fact and conclusions of law on the record pursuant to Bankruptcy Rule 7052, finds for the Plaintiff on the complaint and determines that said debt in the sum of \$93,210.22 is non-dischargeable under Section 523 (a)(4) of the Bankruptcy Code, whereas the Court finds that the Debtor obtained said sum as the result of fraud or defalcation while acting in a fiduciary capacity. The Court does not award costs, interest or attorney fees requested by the Plaintiff in the Complaint. It is, therefore

ORDERED, ADJUDGED AND DECREED that judgment be entered in favor of the Plaintiff and against the Defendant in the sum of \$93,210.22 that said debt is forever NONDISCHARGEABLE.

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